

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TERRANCE HARDIN

Petitioner,

Civil Action No.
10-CV-13672

vs.

HON. MARK A. GOLDSMITH

WILLIE O. SMITH

Respondent.

**ORDER (1) ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION, (2) DISMISSING HABEAS CORPUS
PETITION AS TIME-BARRED, (3) GRANTING RESPONDENT'S MOTION FOR
SUMMARY JUDGMENT and (4) DENYING PETITIONER A CERTIFICATE OF
APPEALABILITY**

This matter is presently before the Court on the Report and Recommendation ("R&R") of Magistrate Judge Paul J. Komives, issued on September 8, 2011. The Magistrate Judge recommends that Petitioner's habeas corpus petition be dismissed as time-barred, Respondent's motion for summary judgment be granted, and that a certificate of appealability not be issued. Petitioner has not filed objections to the R&R, and the time to do so has expired. Thus, Petitioner has waived any further right to appeal. Thomas v. Arn, 474 U.S. 140, 155 (1985). In any event, the Court has reviewed the R&R and finds that the Magistrate Judge has reached the correct result for the correct reasons.

Accordingly, it is ORDERED as follows:

- (1) The Magistrate Judge's R&R (Dkt. 15) is accepted and adopted as the findings and conclusions of the Court.
- (2) Petitioner's application for writ of habeas corpus (Dkt. 1) is dismissed as time-barred.
- (3) Respondent's motion for summary judgment (Dkt. 11) is granted.
- (4) A certificate of appealability is denied.

SO ORDERED.

Dated: October 12, 2011
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on October 12, 2011.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager